

FEE TRANSMITTAL

Complete if known

Application Number: 09/755,460

Filing Date: January 5, 2001

First Named Inventor: Michael Glenn King

Group Art Unit: 1617

Examiner Name: Shengjun Wang

Attorney Docket Number: 0041-P00941US3

Total Amt. of Payment: (1)+(2)+(3)= \$515

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TECH CENTER 1600/2900

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to:

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Deposit Account Number 04-1406

2. Payment enclosed:

Check in the amount of \$515

FEE CALCULATION

1. FILING FEE

Fee

Fee Description

Utility filing fee

Design filing fee

Plant filing fee

Reissue filing fee

Provisional filing fee

SUBTOTAL (1) \$0

FEE CALCULATION (continued)

ADDITIONAL FEES

Fee Description

Fee Paid

Surcharge-late filing fee or oath

Surcharge - late provisional filing fee or cover sheet

Extension for response within first month

Extension for response within second month

Extension for response within third month

\$460

Extension for response within fourth month

Notice of Appeal

Filing a brief in support of an appeal

Request for oral hearing

Petition to revive unavoidably abandoned application

Petition to revive unintentionally abandoned application

Issue fee

Petitions to the Commissioner

Petitions related to provisional applications

Submission of Information Disclosure Stmt.

Recording each patent assignment per property

Other fee (specify) Advance Order (10 copies)

Other fee (specify) TERMINAL DISCLAIMER

\$55

SUBTOTAL (3) \$515

2. Claims

Paid Extr Fee

Total Claims - = 0 x 9 = 0

Independent Claims - = 0 x 42 = 0

Multiple Dependent

(First presentation)

SUBTOTAL (2) \$0

Submitted By:

Typed or

Printed Name Patrick J. Hagan

Reg. Number 27,643

Signature

Date December 4, 2002

Deposit Account User ID

04-1406



THE UNITED STATES PATENT AND TRADEMARK OFFICE

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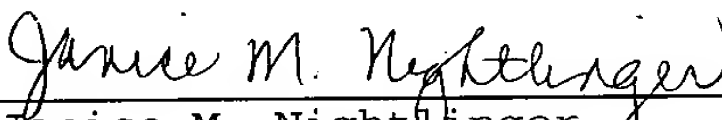
TECH CENTER 1600/2900

In re Application of : Michael Glenn King
Serial No. : 09/755,460
Filing Date : January 5, 2001
Examiner : Shengjun Wang
Group Art Unit : 1617
Entitled : COMPOSITIONS AND METHODS FOR THE
CONTROL OF SMOKING

1601 Market Street, Suite 720
Philadelphia, PA 19103
(215) 563-4100 (telephone)
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Our File No. 0041-P00941US3

Certificate of Mailing Under 37 C.F.R. §1.8(a):

I hereby certify that this correspondence is being deposited on December 4, 2002 with the United States Postal Service as first-class mail in an envelope properly addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Janice M. Nightlinger

REQUEST FOR LISTING OF REFERENCES

Applicant in the above-identified application is submitting herewith a copy of Form PTO-892 (Notice of References Cited) from the file of related U.S. Application No. 08/809,400, filed March 21, 1997 (now U.S. Patent No. 5,883,137).

It is respectfully requested that the references included in the above-mentioned Form PTO-892 be listed on the face of the patent granted on the above-identified application, in accordance with the following provision of §609 of the Manual of Patent Examining Procedure:

The Examiner will consider information which has been considered by the Office in a parent application when examining (A) a continuation application filed under 37 CFR 1.53(b) or filed under former 37 CFR 1.60, (B) a divisional application filed under 37 CFR 1.53(b) or filed under form 37 CFR 1.60, or (C) a continuation-in-part application filed under 37 CFR 1.53(b). Such information need not be resubmitted in the continuing application unless the applicant desires the information to be printed on the patent.

In the event any fee is due in connection with the consideration of this request, the Commissioner is authorized to charge any such fee to the account of the undersigned attorneys, Deposit Account No. 04-1406. A duplicate of this paper is enclosed

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation

By Patrick J. Hagan
PATRICK J. HAGAN
PTO Registration No. 27,643

PJH:jmn

Enclosure: Copy of Form PTO-892 Notice of References Cited
Copy of Form PTO-1449 Information Disclosure Statement

Assistant Commissioner for Patents
Washington, DC 20231

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. §1.111

In reply to the June 5, 2002 Official Action, favorable reconsideration of the above-identified application is respectfully requested for the reasons set forth in the following remarks.

REMARKS

The only rejection set forth in the June 5, 2002 Official Action is the rejection of claim 1, the sole claim under consideration in the application, under the judicially created doctrine of "obviousness type" double patenting based on claim 14 of Applicant's U.S. Patent No. 5,883,137. The law is well-settled, as recognized by the Examiner, that a timely filed terminal disclaimer under 35 U.S.C. §253, which satisfies the requirements of 37 C.F.R. §1.321(b) and (c) and will overcome an "obviousness type" double patenting rejection.

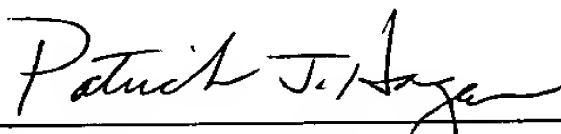
Pursuant to 35 U.S.C. §253, and in accordance with the provisions of 37 C.F.R. §1.321(b) and (c), Applicant is submitting herewith a Terminal Disclaimer which disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of U.S. Patent No. 5,883,137. The law is well-settled that a timely filed Terminal Disclaimer under 35 U.S.C. §253, which satisfies the requirements of 37 C.F.R. §1.321(b) and (c) and will overcome an "obviousness type" double patenting rejection.

In view of the foregoing remarks and the Terminal Disclaimer submitted herewith, it is respectfully urged that the rejection set forth in the June 5, 2002 Official Action be withdrawn and

that this application be passed to issue, and such action is earnestly solicited.

DANN DORFMAN HERRELL and
SKILLMAN, P.C.

Attorneys for Applicant

By 
Patrick J. Hagan
Registration No. 27,643

PJH:jmn

Enclosure: Terminal Disclaimer